

Notice of Allowability

Application No.

09/857,374

Examiner

C. Lynne Anderson

Applicant(s)

PORSO ET AL.

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment dated 1 March 2005 and the RCE dated 1 April 2005.
2. ☒ The allowed claim(s) is/are 1 and 3-14.
3. ☒ The drawings filed on 04 June 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: The prior art of record fails to disclose the claimed invention. Specifically, the prior art of record, U.S. Patent 4,685,909, fails to disclose an absorbent structure comprising a wetting region located in the crotch area and a second region, outside the wetting region, located in the end areas, wherein the wetting region comprises a superabsorbent material having a lower degree of neutralization than the superabsorbent material of the second region, the degree of neutralization being between 25% and 35%. The inclusion of superabsorbent material having a degree of neutralization between 25% and 35% in the crotch area of the structure provides the area of the structure that initially absorbs liquid with a reduced level of gel blocking, as described on page 3, lines 20-29, of the instant specification. The partially neutralized superabsorbent material further provides the structure with a reduction in malodor and skin irritation, as described on page 4, lines 8-14. Providing the end areas of the absorbent structure with superabsorbent material having a degree of neutralization greater than that of the superabsorbent material comprised in the crotch area allows the liquid absorbed by the structure to be dispersed away from the crotch area of the structure, as described on page 22, lines 13-28, since the superabsorbent material in the second region absorbs more quickly due to its higher degree of neutralization. The claimed invention is therefore not anticipated nor fairly suggested by the prior art of record.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,836,929 teaches the use of a first superabsorbent

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material located in the central region of an absorbent article, and a second superabsorbent material located in a layer below the first superabsorbent material, wherein the second superabsorbent material has a faster rate of absorption than the first, as described in column 10, lines 26-62. To achieve different rates of absorption, superabsorbent materials of different chemical types may be chosen, including a partially neutralized polyacrylic acid. However, a superabsorbent material having the claimed range of a degree of neutralization between 25% and 35% is not taught or suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (571) 272-4932. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Schwartz can be reached on (571) 272-4390. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

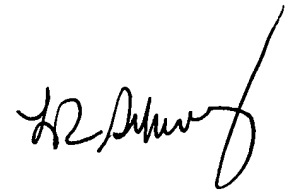
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CIA

cla

June 5, 2005



Larry I. Schwartz
Supervisory Patent Examiner
Group 3700